

HOUMA BOARD OF ADJUSTMENT
Official Proceedings

of
June 22, 2021

Government Tower
Council Meeting Room

The Chairman, David Tauzin, called the June 22, 2021 meeting of the Houma Board of Adjustments to order at 5:05 p.m..

1. Pledge of Allegiance: Mr. Joe Harris
2. Upon Roll Call, those members present were Mr. Matthew Chattagnier, Mr. David Tauzin, Mr. Pete Konos, Mr. Willie Newton, Mr. Joe Harris and Mrs. Natalie Lirette. Also present was Mr. Christopher Pulaski, TPCG Planning Director and Mr. Gary Williams, Assistant Parish Attorney..
3. ANNOUNCEMENTS: Mr. Pulaski reminded members of date changes necessary due to conflicts with Council meetings. September meeting will be Tuesday, September 21st and November's meeting will be Tuesday, the 16th of November.
4. Approval of Minutes of May 17, 2021.
MOTION was made by Mr. Matthew Chattagnier; **SECONDED** by Mr. Willie Newton to **APPROVE** the minutes of the May 17, 2021 meeting.

ROLL CALL VOTE:

YEAS: Newton, Chattagnier, Konos, Harris

NAYS: NONE

ABSTAINED: None

NOT VOTING: Tauzin, Lirette

5. Old Business:
Matt Chatagnier made a **MOTION** to take old business off the table, **SECONDED** by Willie Newton. **MOTION** passed unanimously.
 - a. Special Exception: Proposed 100' monopole cell tower and 40X40X 8 foot fence. Chair recognized Mr. Jon Leyens, CellCo partnership d/b/a/Verizon Wireless who summarized the needs of the new tower in the area.

After discussion, **MOTION** to **APPROVE** was made by Mr. Willie Newton. Due to lack of a second, **MOTION FAILED**.

After a lengthy discussion, **MOTION** was made by Matt Chatagnier, **SECONDED** by Joe Harris to **DENY** request on the basis that the request does not meet review criteria identified in the standards and conditions as stated in Sec. 28-178(f)(3)(h) which states "that the exception will not adversely affect the public health, safety, or welfare, or the Master Plan".

ROLL CALL VOTE:

YEAS: Chatagnier, Harris, Tauzin

NAYS: Newton, Konos

ABSTAINED: None

NOT VOTING: Lirette

6. New Business:

- a. Structure Variance: Side and rear yard setback variance from required 25' to 5' for proposed townhome P.U.D..
Chair recognized Mr. Henry Richard, 235 South Hollywood Road, Houma, who stated that they are asking for a variance because the zoning is C-2; but they are not developing C-2; but, rather residential and wish to have BOA consider allowing the residential zoning requirements.

Chair declared opening of Public Hearing.

Chair recognized Mr. Ken Crossland, 218 Bellaire Drive, who stated concerns of flooding and flooding.
Chair recognized Mrs. Karen Pitre, 220 Bellaire Drive who stated her concerns with retention pond and flooding.

Chair recognized Mrs. Janelle Lirette, 110 Bellaire Drive who stated her concerns regarding flooding in the area.

Mr. Willie Newton made a **MOTION** to close public hearing, **SECONDED** by Pete Konos.
MOTION passed unanimously.

Chair recognized Mr. Christopher Pulaski who stated that applicant is requesting a side and rear yard setback variances from required 25' to 5' for proposed townhome P.U.D. in a C-2 zoned district.

Sec. 28-117(c)(1)(g) of the Parish Zoning Code states that there shall be a 252' setback along the sides and rear of each building site wherever it adjoins any R-1, C-2, C-3, I-1, or I-2 zoning district. The proposed development and building sites adjoin R-1 on the north and south sides although it is worth noting that the actual land use for the property to the north is the Bayou Cane Fire Station. The properties to the south front Bellaire Drive and the single-family residential lots are relatively shallow at 82', but many of the homes are at a 25' setback although they pre-date zoning. There are a handful towards the east of Bellaire that back up to the S.E. area of the subject property for which this variance is being sought so there may be some privacy concerns. This does not appear to be the same situation in the NE corner since the adjacent use is the fire station which is likely to remain such for many years.

PUD regulations allow for higher density developments, but also have minimum recreation spaces required for each unit. These recreation area sizes may be in the form of individual private spaces or larger common recreational areas. The developer in this case has provided recreational areas that far exceed the minimums so it would seem like there is ample place within interior areas of the PUD to recreate versus in the proximity of the perimeter property line. Nonetheless, there may be an impact to approximately 5 homes along the Bellaire Drive unless a healthy buffer is put in place especially since two of the five do not currently have privacy fences. Section 28-117(c)(1)(k) of the Parish Zoning Code states that wherever the boundary of the development is continuous with the boundary of an R-1, C-1, C-2, C-3, C-4, C-5, I-1 or I-2 zoning district, screen planting at least eight (8) feet in height in two (2) years and of density to afford protection from the glare of lights, from blowing papers, dust and debris, or a brick, perforated brick or wooden fence at least eight (8) feet in height shall be provided for buffer protection. As the proposed townhomes are single story, the 8' buffer height would seem to be sufficient, but there may be concerns in the future if the townhome design were to be modified to a two story.

Staff recommends **APPROVAL** on the **CONDITION** that the townhomes that are located between the interior road and the homes along Bellaire are to remain single story.

MOTION to DENY was made by Pete Konos. **Due to lack of SECOND, MOTION FAILED.**

MOTION to APPROVE with CONDITION that the townhomes that are located between the interior road and the homes along Bellaire are to remain single story was made by Matt Chagnier, **SECONDED** by Willie Newton.

ROLL CALL VOTE:

YEAS: Newton, Chagnier, Konos, Harris

NAYS: NONE

ABSTAINED: None

NOT VOTING: Tazuin, Lirette

b. Structure Variance: Side yard setback variance from 5' to 0' for construction of a covered patio addition at 816 Cottagemill Lane.

Chair recognized Mr. Juan Fiscal, applicant, who stated that he wants to put a patio and a fence on the side of his house.

Chair declared opening of the Public Hearing.

Chair recognized Mr. William Strassel, Quatermill Lane, who was speaking on behalf of the immediate adjacent neighbor, Georgia Jones, at 820 Cottagemill Lane, who stated that the neighbor is concerned that the applicant wants to close in the patio and to also encroach on to her property.

MOTION to close public hearing was made by Mr. Willie Newton, **SECONDED** by Pete Konos. **MOTION** passed unanimously.

Chair recognized Mr. Christopher Pulaski who stated Structure variance for a side yard setback from 5' to 0' for construction of a covered patio addition in an R-1 zoned district. Applicant received a stop order notice as he was beginning to form the wooden frame for a concrete foundation, and subsequently met with the Permit Office to discuss the type of building permit and code requirements. The property was approved as part of a Planned Unit Development (PUD) in Jan 2008, so the lot width is only 40'. As per the site plan submitted, the 8' wide proposed lean-to addition would result in the addition being placed up to the property line. If approved, the water runoff from the roof of the exiting and proposed structure would fall directly onto the adjacent property so any addition should have gutters and downspouts to capture the roof runoff and direct it towards the street as per the approved subdivision drainage plans. All of the homes in this subdivision were built in 2008 or sooner so they all would have been required to meet zoning regulations so there should be no legal, non-conforming structures unless variances were approved or the structures or additions were built without permits. A site visit confirmed that the majority are compliant. There is a residential structure across the street from this subject property that has a similar addition, but Staff was unable to find any permit for this addition. The applicant could construct the fence and the concrete patio surface up to the property line, but it is the lean-to roof addition that is supported by the posts that is what the variance is sought. Although the lot width is very narrow, such is the nature of a PUD. There appears to be sufficient space to the rear to build a covered patio addition and the patio and fence can tie into it. The homes and lots are tight enough without encroaching further. A site visit was performed and all property owners adjacent to and within a 250' radius of the subject property have been notified. Staff received no calls regarding the request.

Staff recommends **DENIAL**.

Chair recognized Mr. Juan Fiscal who clarified that the scope of work is to construct a concrete patio slab with a 6' wooden privacy fence and have the fence posts extend to also support the patio cover attached to the soffits of the home and that it will not be an enclosed room.

After a brief discussion, Mr. Willie Newton made a **MOTION, SECONDED** by Matt Chatagnier, to **TABLE** in order to allow applicant time to present a revised plan which will include drawings to reflect the use of gutters and downspout(s) for appropriate drainage and the distance of the post to the property line.

ROLL CALL VOTE:

YEAS: Newton, Chattagnier, Konos, Harris

NAYS: NONE

ABSTAINED: None

NOT VOTING: Tauzin, Lirette

7. Next meeting date: July 19,2021 at the Government Tower, second floor Council Meeting Room.

8. BOA Member comments: NONE

9. Public Comments: NONE

10. Adjourn: **MOTION** was made by Mr. Willie Newton, **SECONDED** by Mr. Matt Chatagnier to adjourn. **MOTION** passed unanimously.


Mr. Willie Newton, Secretary

